

**Remarks**

Claims 1-12 are pending in this application and have been rejected. Claims 1 and 6 have been amended. New claims 13-16 have been added.

The present invention relates to a trocar sleeve having a resilient material provided in order to seal an instrument inserted into the trocar sleeve. The sealing has a central opening or aperture having a variable diameter by action of a spreading device. A lock mechanism is provided to maintain the aperture in various positions.

Applicants would like to thank the examiner for indicating that claim 8 would be allowable if rewritten in independent form. Claim 16 has been added with the intent to rewrite the original claim in independent format including all limitations of the original base claim 1 and intervening claims.

The Examiner has rejected claim 1 as anticipated by U.S. Patent No. 5,657,963 to Hinchliffe *et al.*

Amended claim one requires, among other things, a lock mechanism comprising at least three lock positions comprising: 1) a zero position without stretching and spreading said sealing; 2) a second position of a maximum stretching of said sealing; and 3) at least one intermediate position between said zero position and said second maximum stretching position. Nowhere does the cited reference disclose a lock mechanism capable of maintaining the aperture diameter in the sealing in at least three different positions. Accordingly, claim 1 is not anticipated by Hinchliffe. Reconsideration is urged.

Moreover, the cited reference does not make the claimed invention obvious.

The mechanism of Hinchliffe only allows the movable portions to stop in two extreme positions, a maximum and minimum diameter. Conversely, the Applicant's have invented a device having a lock mechanism capable of maintaining the aperture diame-

ter in at least three positions, e.g. a zero position without stretching and spreading of the sealing, a second position of a maximum stretching of the sealing and at least one intermediate spreading position. Accordingly nothing in the reference would suggest to one of ordinary skill in the art to modify Hinchliffe to include a lock capable of providing at least three lock positions, and claim 1 is not obvious.

It is respectfully submitted that claims 1-16, all of the claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested. It is believed that no additional fees are required for the addition of two independent and two dependent claims at this time, however, should any fee be required please charge Deposit Account No. 19-4516. If the Examiner has any questions about this communication he is invited to call Michael Krenicky at (203) 324-6155 to discuss.

Respectfully submitted,



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